

The Honorable Richard A. Jones
The Honorable James P. Donohue

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYLE LYDELL CANTY,

Plaintiff,

vs.

CITY OF SEATTLE, et. al.,

Defendants.

No. 2:16-cv-01655-RAJ-JPD

KING COUNTY DEFENDANTS'
ANSWER TO PLAINTIFF'S
AMENDED COMPLAINT AND JURY
DEMAND PURSUANT TO LCR 38

In answer to plaintiff's Amended Complaint ("complaint") and Jury Demand Pursuant to LCR 38, defendants King County, Gail Bonicalzi, and Melinda Hasegawa (hereinafter "King County defendants") admit, deny and state as follows:

I. JURISDICTION AND VENUE

1. Answering paragraph 1 of plaintiff's complaint, King County defendants leave the issue of jurisdiction to the Court and make no response as to the remaining allegations as they appear to contain only legal conclusions for which no response is required. However, to the extent factual allegations are intended and or legal conclusions contrary to applicable law are alleged, they are hereby denied.

2. Answering paragraph 2 of plaintiff's complaint, King County defendants leave the issue of venue to the Court.

KING COUNTY DEFENDANTS' ANSWER TO
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RAJ-JPD) - 1

Daniel T. Satterberg, Prosecuting Attorney
CIVIL DIVISION, Litigation Section
900 King County Administration Building
500 Fourth Avenue
Seattle, Washington 98104
(206) 296-0430 Fax (206) 296-8819

II. PLAINTIFF

3. Answering paragraph 3 of plaintiff's complaint, King County defendants are without sufficient information to determine the truth or falsity of the allegations contained therein and, therefore, deny them.

III. DEFENDANTS

4. Answering paragraph 4 of plaintiff's complaint, King County defendants make no response, as the allegations do not pertain to these defendants.

5. Answering paragraph 5 of plaintiff's complaint, King County defendants admit only that under the respondeat superior, King County is responsible for the acts and omissions of its employees who are acting within the course and scope of their employment. Any other or different allegations are denied.

6. Answering paragraph 6 of plaintiff's complaint, King County defendants make no response, as the allegations do not pertain to these defendants.

7. Answering paragraph 7 of plaintiff's complaint, King County defendants make no response, as the allegations do not pertain to these defendants.

8. Answering paragraph 8 of plaintiff's complaint, King County defendants make no response, as the allegations do not pertain to these defendants.

9. Answering paragraph 9 of plaintiff's complaint, King County defendants make no response, as the allegations do not pertain to these defendants.

10. Answering paragraph 10 of plaintiff's complaint, King County defendants admit only that Gail Bonicalzi is a Designated Mental Health Professional (DMHP) working in King County Crisis and Commitment Services. Any other or different allegations are denied.

11. Answering paragraph 11 of plaintiff's complaint, King County defendants deny that Melinda Hasegawa is a Designated Mental Health Professional (DMHP) working in King County Crisis and Commitment Services. Any other or different allegations are denied.

13. Answering paragraph 13 of plaintiff's complaint, King County defendants are without sufficient information to determine the truth or falsity of the allegations contained therein and, therefore, deny them.

15. Answering paragraph 15 of plaintiff's complaint, King County defendants admit only that on July 8, 2016, plaintiff was involuntarily committed. The remaining allegations contained in paragraph 15 of plaintiff's complaint are denied.

16. Answering paragraph 16 of plaintiff's complaint, King County defendants deny the allegations contained therein.

17. Answering paragraph 17 of plaintiff's complaint, King County defendants make no response, as the allegations do not pertain to these defendants.

18. Answering paragraph 18 of plaintiff's complaint, King County defendants make no response, as the allegations do not pertain to these defendants.

19. Answering paragraph 19 of plaintiff's complaint, King County defendants make no response, as the allegations do not pertain to these defendants.

20. Answering paragraph 20 of plaintiff's complaint, King County defendants admit only that on July 8, 2016, plaintiff was involuntarily committed. King County defendants are without sufficient information to determine the truth or falsity of the allegations concerning plaintiff filing a complaint with internal affairs and, therefore, deny them. The remaining allegations concerning plaintiff being framed are denied.

1 21. Answering paragraph 21 of plaintiff's complaint, King County defendants make
2 no response, as the allegations do not pertain to these defendants.

3 22. Answering paragraph 22 of plaintiff's complaint, King County defendants admit
4 only that plaintiff was booked into the King County Jail on July 13, 2016, under the charges of
5 Felony Harassment and was later released on November 29, 2016. Any other or different
6 allegations are denied.

7 V. LEGAL CLAIMS

8 23. Answering paragraph 23 of plaintiff's complaint, King County defendants re-
9 allege their previous responses to plaintiff's complaint as if fully set forth herein.

10 24. Answering paragraph 24 of plaintiff's complaint, King County defendants make
11 no response, as the allegations do not pertain to these defendants.

12 25. Answering paragraph 25 of plaintiff's complaint, King County defendants make
13 no response, as the allegations do not pertain to these defendants.

14 26. Answering paragraph 26 of plaintiff's complaint, King County defendants deny
15 the allegations contained therein.

16 27. Answering paragraph 27 of plaintiff's complaint, King County defendants make
17 no response, as the allegations do not pertain to these defendants.

18 28. Answering paragraph 28 of plaintiff's complaint, King County defendants deny
19 the allegations contained therein.

20 29. Answering paragraph 29 of plaintiff's complaint, King County defendants deny
21 the allegations contained therein.

22 30. Answering paragraph 30 of plaintiff's complaint, King County defendants make
23 no response, as the allegations do not pertain to these defendants.

 31. Answering paragraph 31 of plaintiff's complaint, King County defendants make
no response, as the allegations do not pertain to these defendants.

32. Answering paragraph 32 of plaintiff's complaint, King County defendants make no response, as the allegations do not pertain to these defendants.

VI. PRAYER FOR RELIEF

Answering paragraphs 33, 34, 35, 36, 37, 38 and 39 of plaintiff's complaint, King County defendants deny that plaintiff is entitled to recover any of the relief sought in plaintiff's prayer for relief on pages 17 and 18 of plaintiff's complaint.

King County defendants deny any remaining allegations contained in plaintiff's complaint not expressly admitted herein.

BY WAY OF FURTHER ANSWER and AFFIRMATIVE DEFENSES, and without admitting anything previously denied, King County defendants state as follows:

1. Plaintiff has failed to state a claim upon which relief may be granted.
2. If the plaintiff suffered any damages, recovery therefore may be barred by the plaintiff's failure to mitigate damages.
3. Plaintiff's injuries and/or damages may have been proximately caused in whole or in part by the fault of the plaintiff.
4. The injuries and/or damages sustained by plaintiff, if any, were not the proximate cause of any action or omission by King County.
5. The damages and/or injuries alleged by plaintiff, if any, are the result of the plaintiff's own conduct and were not the result of any conduct of the King County defendants.
6. King County defendants at all times acted in good faith in the performance of their duties and are therefore immune from suit for the matters alleged in plaintiff's Complaint.
7. King County defendants are entitled to absolute immunity and qualified immunity.
8. If the plaintiff sustained any injury and/or damage, the same was the result of reasonable conduct and required conduct of the King County defendants under the circumstances and was excusable and justifiable in connection with the involuntary commitment.

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1 King County defendants reserve the right to amend this Answer, including these
2 affirmative defenses, if and when additional facts are discovered which support such
3 amendments.

4 WHEREFORE, King County defendants pray as follows:

5 That plaintiff take nothing by his complaint, that the complaint be dismissed with
6 prejudice, that King County defendants be awarded their costs and reasonable attorneys' fees
7 incurred herein and for such other and further relief as the Court deems just and equitable.

JURY DEMAND

8 King County defendants request that this matter be tried by a jury.

9
10 DATED this 21 day of July, 2017.

11 DANIEL T. SATTERBERG
12 King County Prosecuting Attorney

13 By: /s/ Samantha D. Kanner
14 SAMANTHA D. KANNER, WSBA #36943
15 Senior Deputy Prosecuting Attorney
16 Attorneys for King County Defendants
17 500 Fourth Avenue, 9th Floor
18 Seattle, WA 98104
19 Telephone: (206) 296-8820
20 E-Mail: Samantha.Kanner@kingcounty.gov
21
22
23

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on July 21, 2017, I electronically filed the foregoing document(s) with the Clerk of the Court using the CM/ECF E-Filing System and caused a copy of the same to be served on the following party via Regular USPS Mail:

**Kyle Lydell Canty
BA #216035994
King County Jail
500 5th Ave
Seattle, WA 98104**

I certify under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 21 day of July, 2017.

/s/Lindsey Macalalad
LINDSEY MACALALAD
Legal Secretary